

ORDINANCE NO. CO07.19.10.24.E7

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS, AMENDING CEDAR PARK CODE OF ORDINANCES CHAPTER 16 TRANSPORTATION REGULATIONS, ARTICLE 16.03 USE OF RIGHT-OF-WAY, SECTION 16.03.019 SEAL OF PROFESSIONAL ENGINEER REQUIRED; PROVIDING FOR SEVERABILITY; PROVIDING FOR A REPEALER; FINDING AND DETERMINING THAT THE MEETING AT WHICH THIS ORDINANCE IS PASSED WAS NOTICED AND IS OPEN TO THE PUBLIC AS REQUIRED BY LAW.

WHEREAS, Cedar Park Code of Ordinances Section 16.03.019 currently includes a requirement for an applicant to provide engineered-sealed drawings for excavation or installation in the City's rights-of-way; and

WHEREAS, Section 16.03.019 was adopted on May 9, 2019 and since that time, City staff has received request from network node providers to remove the requirement for the sealed plans due to created impediments to the installation of telecommunications infrastructure; and

WHEREAS, City staff recommends the ordinance be amended so that the seal of a professional engineer only be placed on plans which: (a) contain non-standard traffic control plans for lane closures on City arterial and collector roadways; (b) collocations of network nodes; and (c) in other situations that the Director of Engineering determines sealed plans are required in the interest of the public health, safety, and welfare of the public; and

WHEREAS, the City Council finds that this amendment to limit the instances of when the seal of a professional engineer is required will increase efficiency of installation of infrastructure without significantly increasing risk to the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CEDAR PARK, TEXAS:

SECTION 1. The Cedar Park Code of Ordinances, Chapter 16 Transportation Regulations, Article 16.03 Use of Right-of-Way, Section 16.03.019 Seal of Professional Engineer Required is hereby amended in accordance with Exhibit A.

SECTION 2. That the provisions of this ordinance are severable and the invalidity of any word, phrase or part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.

SECTION 3. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 4. That it is hereby officially found and determined that the meetings at which this ordinance was introduced and passed were open to the public and that public notice of the time, place and purpose of said meetings were given all as required by law.

READ AND CONSIDERED ON FIRST READING by the City Council of Cedar Park at a regular meeting on the 3rd day of October, 2019, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

READ, CONSIDERED, PASSED, AND APPROVED ON SECOND AND FINAL READING by the City Council of Cedar Park at a regular meeting on the 24th day of October, 2019, at which a quorum was present and for which due notice was given pursuant to Section 551.001, et. Seq. of the Government Code.

PASSED AND APPROVED this the 24th day of October, 2019.

CITY OF CEDAR PARK, TEXAS



Corbin Van Arsdale, Mayor

ATTEST:



LeAnn M. Quinn, TRMC
City Secretary

APPROVED AS TO FORM
AND CONTENT:



J.P. LeCompte, City Attorney



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Exhibit A

Section 16.03.019 Seal of Professional Engineer Required

(a) — All drawings, plans, and specifications, including change requests, amendments, additions, deletions, and as-built drawings submitted to the director that are submitted for the types of excavations or installations listed herein this Section under this division shall bear the seal of a professional engineer licensed to practice in the State of Texas.

(a) non-standard traffic control plans for lane closures on City arterial and collector roadways;

(b) collocation of network nodes; and

(c) any other excavation or installation in the right-of-way that the director determines is necessary in the interest of the health, safety, and welfare of the public.

(b) — This section does not apply to:

(1) — a gas utility;

(2) — an excavation project no more than five feet deep, 12 inches wide, and 300 feet long, provided that the trench line does not intersect or extend into the paved portion of another street or alleyway;

(3) — a single point excavation project not exceeding five feet in any dimension;

(4) — boring or drilling underneath a driveway or an unpaved area of the right of way, if the bore is parallel to the right of way, and the bore is no greater than 12 inches in diameter;

(5) — excavation under engineered plans or details, produced by the owner and previously approved by the director;

(6) — installation of poles, anchors, and utility service connections; and,

(7) — an excavation project necessary to expose and repair facilities previously installed by the owner using drawings, plans, and specifications bearing the seal of a professional engineer.

(c) — An excavation project may intersect or extend into the paved portion of a residential street if approved by the director.